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2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----X

5 ARGO TURBOSERVE CORPORATION,

6 Plaintiff,

7 -against- Case No. 07 CIV 8410

8 DEAN ANGELLE AND DENISE ANGELLE,

9 Defendants.

10 -----X

11 110 East 59th Street

12 New York, New York

13

14 February 14, 2008

15 9:40 A.M.

16

17 VIDEOTAPE DEPOSITION OF ARGO

18 TURBOSERVE CORPORATION by WALTER SIMSON,

19 taken pursuant to the Federal Rules of Civil

20 Procedure, and Notice, held at the

21 above-mentioned time and place before

22 Victoria Gilgurd-Karen, a Notary Public of

23 the State of New York.

24

25

EXHIBIT

1

1 W. Simson

2 Q. And you don't know where he was?

3 That's part of your frustration, right?

4 A. Yes.

5 Q. You had a GPS on his telephone

6 for a period of time and you wanted it on

7 his body; is that fair, Mr. Simson? It

8 would have satisfied your frustration of

9 where is he, right?

10 A. I wanted -- we wanted a GPS on

11 his body?

12 Q. You don't understand my question?

13 A. We wanted him to be communicating

14 with us on where he was and what he was

15 doing.

16 Q. Every day?

17 A. Reasonably frequently. Every day

18 would be nice, but not necessary.

19 Q. Mr. Simson, are you aware of

20 Mr. Angelle ever being followed by a private

21 investigator hired by ATC?

22 A. I think he was.

23 Q. What time frame?

24 A. Late '06.

25 Q. While he was an employee of D&D

1 W. Simson

2 Pipe?

3 A. Yes.

4 Q. For how long?

5 A. I think a couple of weeks.

6 Q. What was the name of the

7 investigator?

8 A. Kroll.

9 Q. Kroll?

10 A. K-R-O-L-L.

11 Q. It's Mr. Kroll?

12 A. It's an investigations firm.

13 Q. Somebody working for that firm?

14 A. Yes.

15 Q. Did they render a report, a

16 written report of their investigation?

17 A. Yes.

18 MR. ROSENBLUM: Mr. Cohen, I've

19 gotten a lot of paper from you. Has

20 that been produced?

21 MR. COHEN: I do not know.

22 MR. ROSENBLUM: I would call -- if it hasn't

23 been, and I will certainly follow it up with

24 a full request, I would call for production

25 of that report.

1 W. Simson

2 Q. My question is to describe this

3 written report.

4 A. The written report described

5 comings and goings of Dean and Denise out of

6 their home, to or from the office and

7 thereabouts, in addition to which it

8 described some background on companies that

9 had been formed by Dean or Denise during

10 that time, during the '06 time frame.

11 Q. Did the report contain

12 photographs?

13 A. No.

14 Q. Did it contain audio?

15 A. No.

16 Q. Describe the report. Was it

17 three pages, was it 300 pages? Tell me what

18 we're looking for.

19 A. I think it's probably 15 to 20

20 pages, something like that.

21 Q. Who hired the investigator?

22 A. An attorney in Louisiana.

23 Q. Who was that?

24 A. Gankendorff.

25 Q. And this was in '06?

1 W. Simson

2 A. Yes.

3 Q. And Mr. and Mrs. Angelle were  
4 followed for a couple of weeks; is that what  
5 you said?

6 A. I believe so.

7 Q. And this is -- what was the  
8 reason that -- Mr. Gankendorff didn't just  
9 hire the investigator on his own, right?

10 A. Right.

11 Q. Did you ask Mr. Gankendorff to do  
12 that, to hire the investigator?

13 A. I did.

14 Q. Tell me why.

15 MR. COHEN: Tell me why?

16 Q. Tell me why.

17 MR. COHEN: I caution you against  
18 disclosing the attorney/client  
19 privilege.

20 Q. Don't tell me what you told  
21 Mr. Gankendorff, but tell me why you,  
22 Mr. Simson, made the decision to hire an  
23 investigator to follow Mr. and Mrs. Angelle  
24 at a period of time at least that  
25 Mr. Angelle was working for D&D Pipe.

1 W. Simson

2 A. I asked the attorney if it was  
3 possible to find out if Mr. Angelle was  
4 competing or if he had set up other  
5 companies. That's why. The attorney  
6 interpreted that to mean that he wanted --  
7 that we wanted him to be followed and for  
8 garbage to be recovered and all that. And  
9 when I got a report that included that, I  
10 said that's not what I asked for, and we  
11 stopped it.

12 Q. Just one report from the  
13 investigator?

14 A. Correct.

15 Q. 15 to 20 pages?

16 A. Correct.

17 Q. Any other time that Mr. or Mrs.  
18 Angelle were followed by a private  
19 investigator, as far as you know,  
20 Mr. Simson?

21 A. No.

22 Q. Mr. Simson, did you ever  
23 physically threaten Mr. Angelle?

24 A. No.

25 Q. Did you ever tell him that